DARTFORD BOROUGH COUNCIL

Please ask for: Mrs Sonia Bunn

[redacted]

Consultation
C/o Ebbsfleet Development Corporation
The Observatory
Castle Hill Drive, Castle Hill
Ebbsfleet Valley
Kent
DA10 1EE

Your Ref: **EDC/19/0203**
Our Ref: DA/20/00546/EDCCON
Date: 8th June 2020

Dear Sir,

Town and Country Planning Act 1990
Consultation on change of use from Public House (Use Class A4) to Pizza Delivery and Takeaway (Use Class A5) and installation of ancillary equipment including extraction duct within Ebbsfleet Development Corporation
The George And Dragon London Road Swanscombe Kent

I refer to the above application which has now been considered by the Borough Council and wish to thank you for the opportunity to comment thereon.

The Council considers that the principle of the proposed change of use should be considered against Policies DP19 and DP21 of the adopted Local Plan.

The Development Policies Plan (DPP) advises in the glossary that pubs may fall within the definition of Community Facility covered by DP21. Paragraph 14.5 advises that public houses well-established within the locality are included within this definition where there is a reasonable possibility of the building being re-used to provide community services. The Council considers that the George and Dragon PH has been well-established in the community for some time, providing a meeting place for locals and a focus for the community. This is significantly different from the Alma PH which the applicant refers to. Consideration of the application to convert the Alma PH (18/01002/OUT) concluded that this did not provide a community facility.

DP12:2 advises that the loss of community facilities will only be permitted where they are no longer needed by the local community and the facility or land has no reasonable prospect of being viably reused to provide the same or other type of community use. The application property was marketed for a relatively short time before being sold. The application has been revalidated following the submission of further information. This information includes a further letter regarding marketing of the property which advises that the property has continued to be marketed following the submission of the application in November. However, the applicant appears to own the property already, based on Certificate A and so the Council has some doubts about the purpose of this marketing and there is no information on any interest that was received in response to this marketing and how this was treated. The Borough Council have doubts whether such marketing is sufficient to conclude that there is no prospect of the property being used for another type of community use or indeed a public house.

Given the location of the building close to a major growth area and on a strategic east-west route the Council consider that there is a reasonable possibility of the building being re-used as an A4 use or similar community facility to serve the local area.

Policy DP19 of the adopted Local Plan sets out criteria for proposed A5 uses to be considered against. As the planning authority for development management the Council considers it is for the EDC to consider the detail of the proposal against the amenity criteria in Policy DP19 and Policy DP5. However, as a strategic east-west route through the Borough, which is designated as an Air Quality Management Area the Council has concerns about the traffic likely to be generated by the use, and the fact that people may park indiscriminately due to the short visits likely to result from this use. Such parking on the highway could impact on the free flow of traffic in this area and highway safety around the junction with the High Street and the Council would request that the EDC satisfy themselves with regard to the potential highway impacts of the proposal.

The applicant's Design and Access statement refers to rear servicing and access at the property but the Borough Council notes that this is reached via private land which does not fall within the red line planning application boundary. The Council would request that the EDC satisfy themselves that there are adequate rights of way for the proposed use.

Policy DP19:2 advises that takeaways will normally only be permitted within designated centres. The site falls outside of the designated district centre of Swanscombe and given its location on a main strategic road is likely to generate trips from a wider area than simply the district centre catchment. The Borough Council has concerns that this may result in increased private car use contrary to the objectives of the adopted Local Plan.

No information has been submitted with regard to odour and noise in relation to the proposed use, but the Council's Environmental Health Officers consider that an appropriate solution could be found to mitigate this. They have requested the imposition of conditions requiring this detail should planning permission be granted. The Council also has some concerns that given the location of this property on a prominent ridge, any plant or flues could be prominent on long-distance views as well the impacts from external lighting and consider that such matters should be assessed in detail.

The Borough Council therefore object to the proposed change of use as it is contrary to Policies DP19 and 21 and could result in harm to the character, amenity and highway safety in the surrounding area.

If the Ebbsfleet Development Corporation are minded to approve planning permission the Borough Council would request that conditions are imposed seeking the following details:

- A scheme in writing to the Local Planning Authority for approval in relation to odour and noise control.

Full details of proposed odour control should include:

a) The position of the flue in relation to neighbouring properties and window openings.
b) Details of proposed routine cleaning and maintenance of the system, and the service requirements of the installed odour control system, including details of system access panels and confirmation that they will be grease tight.
c) Details of the type of food to be cooked, the cooking time per day; and the type of cooking appliances used.
d) The manufacturer's specification/data sheets for any odour control elements of the system.

Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises. The extraction and treatment equipment shall be maintained and operated in compliance with the approved scheme. After installation of the approved plant no new plant or ducting system shall be used without the written consent of the local planning authority.

The applicant should be directed to guidance document: Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs.

- a full air quality impact assessment of the proposal which shall include the impacts arising as a result of the proposed development, and potential measures to reduce such impacts.

- full details of any plant (including extraction, ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission which shall be subject to a noise and vibration assessment, the results of which shall be submitted to and approved in writing by the Local Planning Authority.

- Due to the proximity of residential properties surrounding the proposed site the site working hours should be controlled to protect residential amenity. During the enabling, demolition and construction phase, the hours of working, including deliveries and collections to and from site, shall be restricted to:
  Monday to Friday 08:00 - 18:00
  Saturday 08:00 - 13:00
  No work on Sundays or Public Holidays.

- Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles and a Lighting Contour map) and proposed hours of operation. The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

The applicant is also requested to contact Environmental Health, Food Safety Team at the initial design stage, with respect to advice on compliance with food safety legislation and advice regarding a food registration

Yours faithfully

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HEAD OF REGENERATION